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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,142	01/26/2001	Larry Allen Wares	P1056	6191

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EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/771,142

Applicant(s)

WARES, LARRY ALLEN

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the filing of this application on January 26, 2001.

Claims 1-34 are pending in the application.

#### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said plurality of functions". There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 3, 9, 11, 17, 19, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al (U.S. Patent No. 6,581,040)

As per claim 1, Wright et al discloses a project specific communications system comprising:

technical infrastructure means for receiving, storing, and exchanging information (col. 8, lines 8-49), function management means, coupled to said technical infrastructure means for managing at least one of a plurality of project functions utilizing information stored in said technical infrastructure means (i.e. managing the received data) (col. 7, line 66 through col. 8 line 7).

As per claim 3, 11, 19, 29, Wright et al further disclose wherein said plurality of functions include design, bidding, building or construction (col. 8, line 67 through col. 9 line 8).

As per claims 9, 17, Wright et al discloses a project specific communications system comprising:

technical infrastructure means for receiving, storing, and exchanging information (col. 8, lines 8-49), function management means, coupled to said technical infrastructure means for managing at least one of a plurality of project functions utilizing information stored in said technical infrastructure means (i.e. managing the received data) (col. 7, line 66 through col. 8 line 7), updating, maintaining, exchanging and manipulating the information (col. 7, lines 54-60).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4-7, 10, 12-16, 18, 20-28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (U.S. Patent No. 6,581,040) in view of Dialog (BuildPoint.com Launches First Web-based Business-to-Business Solution For \$415 Billion Construction Materials Industry) and further in view of Edwards et al (U.S. Patent No. 5,557,780).

As per claims 2, 5-8, 10, 13-16, 18, 21-22, 25-26, 30-31, Wright et al fail to disclose wherein said bidding function comprises: means for preparing bid documents by architects and owners; means for performing quantity take-offs and soliciting request for quotes from suppliers, wholesalers and building product manufacturers by said subcontractors; means for preparing bids by said suppliers, wholesalers and building product manufacturers and for submitting said bids to said subcontractors; means for evaluating request for quotes and compiling bids by said subcontractors for submitting to said general contractors; means for evaluating bids received from said subcontractors and for compiling totals into a base bid by said general contractors; and means for submitting said base bid by said general contractors to said owners and architects. However Dialog teaches the concept of distributing bid information to different participants for a construction project. Note pages 1-2. It would have been obvious to a person of ordinary skill in the art to modify the teachings of Wright et al to incorporate the teachings of Dialog in order to lower project cost and saving time.

Furthermore, the combination of Wright and Dialog fails to explicitly disclose means for evaluating and re-packaging said bid documents into bid packages by general contractors; means

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for distributing said bid packages to subcontractors by said general contractors. Edwards et al on the hand the same field of endeavor, discloses the idea if repackaging documents (col. 11, lines 32-50). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Wright and Dialog to include the repackaging concept taught by Edwards in order to interchange between the project participants in a desired format.

As per claim 4, Wright et al further disclose wherein: said plurality of functions include design, bidding, building or construction, and maintenance functions; and said at least one plurality of project functions comprises means for collaborating bids between owners, architects, engineers, general contractors, subcontractors, suppliers and building product manufacturers (col. 2, lines 14-38).

As per claim 12, Wright et al further disclose wherein said plurality of functions include design, bidding, building or construction (col. 8, line 67 through col. 9 line 8).

As per claims 6, 14, 15-16, 23-24, 27-28, 30, 32, and 34, Wright et al further disclose means for awarding contracts to general contractors by said owners and architects; and means for further awarding contracts to said subcontractors by said general contractors (col. 1, lines 38-59).

As per claim 8, Wright et al further discloses wherein said bidding function further comprises means for awarding contracts to general contractors by said owners and architects; and means for further awarding contracts to said subcontractors by said general contractors (col. 1, lines 38-59).

As per claim 20, Wright et al further disclose wherein said plurality of functions include design, bidding, building or construction (col. 8, line 67 through col. 9 line 8).

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### Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Romain Jeanty

Primary Examiner

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November 29, 2004.